Calendar No. 511

100TH CONGRESS
1st Session

SENATE

REPORT
100-268

CONVEYANCE OF THE FRANKFORT NATIONAL FISH HATCHERY TO THE COMMONWEALTH OF KENTUCKY

DECEMBER 21 (legislative day, DECEMBER 15), 1987.—Ordered to be printed

Mr. BURDICK, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 1143]

The Commmittee on Environment and Public Works, to which was referred the bill (S. 1143) to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

GENERAL STATEMENT

This legislation conveys title to Federal National Fish Hatcheries of the U.S. Fish and Wildlife Service to three States without monetary consideration. Frankfort National Fish Hatchery is conveyed to the Commonwealth of Kentucky; Berlin National Fish Hatchery is conveyed to the State of New Hampshire; and Lake Mills National Fish Hatchery is conveyed to the State of Wisconsin.

PURPOSE AND BACKGROUND

Frankfort National Fish Hatchery, Kentucky

The Frankfort National Fish Hatchery was authorized by the Congress in 1950 to meet the growing demand for fish to stock ponds in the Commonwealth of Kentucky. At that time there were approximately 120,000 such ponds that potentially could be productive for fishing, and approximately 12,000 new ponds and lakes were being constructed each year. This expansion of potentially productive waters and the growing popularity of sport fishing prompted the U.S. Fish and Wildlife Service to transport fish to

5323-11

Kentucky from national fish hatcheries in Arkansas, Alabama, and Indiana. Shipment over these long distances, however, resulted in high mortality of fish. As a result of these factors, the demand for sport fisheries was outstripping the supply of fish in Kentucky.

To meet this growing demand for sport fish, the Commonwealth of Kentucky deeded to the United States 114 acres of land along Elkhorn Creek in Franklin County for construction of a warm water national fish hatchery. The U.S. Fish and Wildlife Service subsequently operated the Frankfort National Fish Hatchery until October 1, 1986. During that time, fish were reared primarily for Kentucky waters and more recently nearly 100 percent of the hatchery's production was distributed to State-managed waters.

In 1983 the U.S. Fish and Wildlife Service began narrowing the scope of its fishery programs toward high priority Federal responsibilities. The Service recommended that operation of Frankfort National Fish Hatchery be transferred to the State, Federal funding for operation and maintenance declined and the facility began to deteriorate.

At the beginning of fiscal year 1987, the Commonwealth of Kentucky entered into a memorandum of agreement with the U.S. Fish and Wildlife Service to assume full operation and associated costs of the Frankfort National Fish Hatchery for 25 years.

This year the Commonwealth has committed over $70,000 toward improving the facility by upgrading the water supply system, constructing a new hatchery building, renovating existing structures, and repairing existing ponds. Conveyance of Frankfort National Fish Hatchery to the Commonwealth of Kentucky will facilitate these and other capital improvements in the facility.

Berlin National Fish Hatchery, New Hampshire

Public Law 99-625 conveyed to the State of New Hampshire the Berlin National Fish Hatchery property in Berlin Township, which consisted of 510 acres of land and the hatchery facilities. However, the land is part of the White Mountain National Forest and National Forest System. The U.S. Fish and Wildlife Service leased the land from the Forest Service for construction and use of the hatchery.

The State of New Hampshire does not seek title to the land in question and title has not been transferred from the Forest Service to date.

Consequently, this bill would replace existing law with a provision conveying all property of the Berlin National Fish Hatchery, except the 510 acres of land, to the State of New Hampshire.

Lake Mills National Fish Hatchery, Wisconsin

The State of Wisconsin currently has responsibility for the operation and associated funding of the Lake Mills National Fish Hatchery in the Town of Lake Mills under a 5-year agreement with the U.S. Fish and Wildlife Service. This agreement expires in April, 1988.

The U.S. Fish and Wildlife Service recently approached the Wisconsin Department of Natural Resources to determine whether the State was interested in a transfer of ownership.

This bill would provide for such a conveyance of the Lake Mills Fish Hatchery to the State of Wisconsin. This transfer of title has many advantages to the State and its natural resources. It will allow upgrading of the facility, including redevelopment of the water supply, increase in the size of the facility and re-configuration of the hatchery ponds.

SECTION-BY-SECTION ANALYSIS

SECTION 1. CONVEYANCE OF FISH HATCHERY TO COMMONWEALTH OF KENTUCKY

Section 1 of S. 1143 conveys, without reimbursement, to the Commonwealth of Kentucky, title and interests (including water interests) of the United States in and to the Frankfort National Fish Hatchery in Franklin County, Kentucky. The property conveyed must be used by the Kentucky Department of Fish and Wildlife Resources as a part of the Kentucky fishery resources management program. If it is ever used for any other purpose, title to the hatchery property reverts to the United States.

The U.S. Fish and Wildlife Service has indicated that the transfer of this hatchery to the State would not impair the Federal fisheries effort and has sought to close the facility. The State donated the 114 acres of land for the hatchery and currently operates and funds operation of the facility.

SECTION 2. CONVEYANCE OF FISH HATCHERY TO STATE OF NEW HAMPSHIRE

This section replaces existing law (P.L. 99-625) with respect to conveyance of Berlin National Fish Hatchery to the State of New Hampshire.

Existing law provides for the conveyance the Berlin National Fish Hatchery property in Berlin Township, which consists of 510 acres of land and the hatchery facilities. However, the land was part of the National Forest System's White Mountain National Forest on lease to the U.S. Fish and Wildlife Service, and the State does not want title to it, only to the facility and equipment. Section 2 of S. 1143, therefore, transfers only this property and retains the land within National Forest Service ownership.

That property which is conveyed must be used by the New Hampshire Fish and Game Department as a part of the New Hampshire fishery resources management program. If the property conveyed is ever used for any other prupose, title to it reverts to the United States.

SECTION 3. CONVEYANCE OF FISH HATCHERY TO STATE OF WISCONSIN

This section requires the Secretary of the Interior to convey, without reimbursement, to the State of Wisconsin, title and interest (including the easements and water rights) of the United States in and to the Lake Mills National Fish Hatchery in the Town of Lake Mills, Wisconsin. The property conveyed includes the land and any improvements and related personal property and must be used by the Wisconsin Department of Natural Resources as a part of the Wisconsin fishery resources management program. If the

property conveyed is ever used for any other purpose, title reverts to the United States.

The State of Wisconsin has requested the transfer. The State currently has responsibility for operation and associated funding of the hatchery for its purposes under a 5-year memorandum of agreement with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service has indicated that the transfer of this hatchery to the State would not impair the Federal fisheries effort.

Hearings

The Subcommittee on Environmental Protection of the Committee on Environment and Public Works held a hearing in Washington, D.C., on September 10, 1987.

Testimony was received from the Director of the U.S. Fish and Wildlife Service. Written testimony was received from Senators Ford and McConnell.

Rollcall Votes

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

There were no rollcall votes taken during the Committee's consideration of this bill. The bill was ordered reported on November 10, 1987, by a unanimous voice vote.

Regulatory Impact

Section 11(b) of rule XXVI of the Standing Rules of the Senate require the Committee to evaluate the regulatory impact of the reported bill.

It is not anticipated that this bill will impose any significant new regulatory burden.

Cost of Legislation

Section 403 of the Congressional Budget and Impoundment Control Act requires each report to contain a statement of the cost of the reported bill prepared by the Congressional Budget Office. That statement follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, December 3, 1987.

Hon. Quentin N. Burdick,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1143, a bill to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes, as ordered reported by the Senate Committee on Environment and Public Works, November 10, 1987. Enactment of this bill would have no effect on the budgets of the federal, state, or local governments.

S. 1143 would direct the Secretary of the Interior to convey all federal rights and interests in three national fish hatcheries to the states in which they are located. These hatcheries are currently operated by the states.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

JAMES BLUM
(For Edward M. Gramlich, Acting Director).

CHANGES IN EXISTING LAW

In the opinion of the Committee, it is necessary to dispense with the requirements of section 12 of rule XXVI of the Standing Rules of the Senate in order to expedite the business of the Senate.

○